

**Minutes of Special and Regular City Council Meeting of June 12, 2012  
City Council Chambers, One Twin Pines Lane**

**7:05 P.M. Special Meeting**

**CLOSED SESSION**

- A. Conference with Labor Negotiator, Greg Scoles, under Government Code Section 54957.6: MMCEA, AFSCME, Belmont Firefighters IAFF Local 2400 and Fire Management Unit (FMU)
  
- B. Conference With Legal Counsel – Existing Litigation under Government Code Section 54956.9, subdivision (a): Michele Fotinos et al. v. John Fotinos et al. United States District Court, Northern District, Case No. CV 12-0953 MEJ

Attended by: Councilmembers Wozniak, Warden, Braunstein, City Manager Scoles, City Attorney Rennie, Human Resources Director Dino (Item A only), Finance Director Fil, and Labor Consultant Doughtie (Item A only). Councilmembers Feierbach and Lieberman were absent and City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time being 7:40 P.M.

**Terri Cook  
City Clerk**

This meeting was not tape recorded or videotaped

**REGULAR MEETING CALL TO ORDER 7:45 P.M.**

**ROLL CALL**

**COUNCILMEMBERS PRESENT:** Lieberman (arr 8:40 P.M.), Wozniak, Feierbach (left at 8:10 P.M.), Braunstein, Warden

**COUNCILMEMBERS ABSENT:** None

**Staff Present:** City Manager Scoles, City Attorney Rennie, Police Chief Mattei, Fire Chief Fry, Parks and Recreation Director Gervais, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, Human Resources Director Dino, Parks and Recreation Director Gervais, Deputy Finance Director Lazzari, Police Captain DeSmidt, Interim Information Services Manager Eggers, City Treasurer Violet, City Clerk Cook

**Pledge of Allegiance**

Led by Mayor Warden

**Report From Closed Session**

City Attorney Rennie stated that the City Council gave direction to defend the City of Belmont in the civil action discussed during Closed Session Item B, Michele Fotinos et al. v. John Fotinos et al. United States District Court, Northern District, Case No. CV 12-0953 MEJ

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Randy Silver**, on behalf of the American Cancer Society Relay for Life, announced the upcoming Relay to be held on July 28, 2012 at Marine Park.

**Kathleen Beasley**, Belmont Library Manager, outlined activities and programs for adults at the Library over the summer.

**Homai Kasad**, Belmont resident, outlined a poison ivy issue in the open space area adjacent to her property.

Mayor Warden indicated that staff would contact Dr. Kasad to address this matter.

**Mike Swire**, Hillsborough resident, suggested that the City Council convene a bicycle committee to assist Belmont in becoming more bicycle friendly. He supports encouraging bicycle commuting and described issues on Ralston Avenue west of Alameda where there is no dedicated bike lane.

## **COUNCIL/BOARD MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Warden announced an upcoming informational meeting on the proposed sewer rate increase.

## **CONSENT CALENDAR**

In response to Councilmember Wozniak's inquiry regarding the Consent Calendar Item related to tree removal in Twin Pines Park, Parks and Recreation Director Gervais explained that three eucalyptus trees are at the end of their life and need to be removed due to safety concerns. He clarified that the City of Belmont does not pay tree removal permit fees and that tree replacement will occur in the creek bed adjacent to the area where the eucalyptus are to be removed.

**Approval of** Minutes of Regular City Council Meeting of May 8, 2012, Special and Regular City Council Meeting of May 22, 2012

**Motion to** Accept the Revised Fourth Amended Recognized Obligation Payment Schedule (ROPS) for January 1, 2012 through June 30, 2012, and a revised ROPS for July 1, 2012 through December 31, 2012

**Motion to** receive Monthly Financial Reports

**Approval of** Resolution 2012-059 of the City Council Authorizing Tree Work in Twin Pines Park by Davey Tree Expert Company in the amount of \$16,825 with a 10% Contingency of \$1,682

**Approval of** Resolution 2012-060 of the City Council Approving a Purchase Order for Emergency Generator Load Bank Testing From Collicutt Energy for an amount not to exceed \$7,869

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved by a show of hands (4-0, Lieberman absent).

## **HEARINGS**

### **Public Hearing to Consider Proposed Budget for Fiscal Year 2013**

City Manager Scoles stated that the proposed budget was balanced and includes a modest surplus. He noted that the minimum reserve policy has been exceeded. He explained that the budget reflects a full year for the fire department and in-house city attorney, and includes legacy costs for the former Belmont-San Carlos Fire Department. He explained that the reduction in capital expenditures reflects the completion of the Bicycle-Pedestrian Bridge. He clarified that no additional revenues are reflected as a result of the dissolution of the Redevelopment Agency, and that this would be addressed at the mid-year budget review.

City Manager Scoles noted that monies have been allocated to improve the City's web presence and use of technology, and administrative organizational changes will be reviewed and implemented. He also noted that the budget reflects ongoing labor concessions.

Finance Director Fil described the Finance Commission's review of the budget using a budget team. He noted the Commission's unanimous recommendation to adopt the budget as presented. He outlined the actions required for budget adoption.

(At this time, being 8:10 P.M., Councilmember Feierbach left the meeting.)

Finance Director Fil recapped fund balances and pointed out the positive fund balance. He noted that PERS (Public Employees Retirement System) costs will affect fund balances in future years. He noted that the Master Revenue Schedule attempts to provide cost recovery where possible and appropriate.

Mayor Warden opened the Public Hearing.

In response to Councilmember Wozniak's inquiry regarding fines for various parking violations, Finance Director Fil explained that some bail fees are set by Judicial Council. Police Captain DeSmidt clarified that the Vehicle Code sets the process for establishing fees, and noted that the City has some flexibility to increase fees. Finance Director Fil noted that fees can be increased at any time. City Attorney Rennie explained that the City can set fines that are not addressed in the Vehicle Code.

In response to Councilmember Braunstein's inquiry regarding facility use fees and General Fund subsidy to the Parks and Recreation Department, Parks and Recreation Director Gervais stated that Belmont's fees are at the upper end when compared with other cities. He clarified that the Parks and Recreation Department strives to stay under the \$560,000 cap set by the City Council, and he noted this was not met in 2009.

Mayor Warden expressed concern that the library maintenance and operations fund is being depleted. Finance Director Fil noted that the building has experienced mechanical issues, and he clarified that the building is structurally sound and built with quality materials. Parks and Recreation Director Gervais explained that the library is the biggest energy user of all of the public facilities due to the long hours of operation. He noted that staff will be working with an energy consultant to address this situation.

In response to Mayor Warden's inquiry regarding the reduction of the Belmont Fire Protection District reserves, Finance Director Fil noted that the first year of the legacy payment is included in the budget. He explained that the true impact of this cost will likely be known by the fall.

In response to Councilmember Wozniak's inquiry regarding the allocation of administrative and building costs included in the City Council's budget, Finance Director Fil explained how the cost allocation formulas are calculated. He noted that costs of other departmental functions are allocated to achieve cost recovery, and he pointed out that this is standard practice.

Discussion ensued regarding cost allocations.

In response to Mayor Warden, Finance Director Fil noted that the increase in the transit occupancy tax reflect the fact that hotels are experiencing a higher occupancy, and rates are increasing. He explained that the number of home occupancy businesses has increased, resulting in an increase in business license revenues. He also explained that the 20 percent increase in haz mat reimbursement is due to the fact that a full year of revenue is reflected, since this revenue was previously shared with San Carlos.

In response to Councilmember Wozniak, City Manager Scoles clarified that funds have been allocated for technology enhancements, and he clarified that they have not been assigned to specific line items at this time.

Councilmember Lieberman expressed a desire to look into reorganizing support staff for the Information Services Department and the City Manager's office. City Manager Scoles explained that funding has been budgeted to assist staff with reorganization. He noted that positions have been held open in order to accommodate this endeavor, since vacancies provide an opportunity to review the organization. He clarified that legal support for the City Attorney has been included in the budget.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, the Public Hearing was unanimously closed by a show of hands (4-0, Feierbach absent).

Councilmember Braunstein outlined the comments and input provided by the Finance Commission relative to the day care program and to minimum reserve levels. He suggested that the Commission continue to discuss reserve levels. He expressed the need to improve revenues and to diversify. He suggested that the Parks and Recreation policies be included in the budget, and expressed concern regarding the subsidy. He noted that Development Services is currently being supported by the General Fund but that the policy is that it should pay for itself. He noted that the proposed budget is fair, and there are policy issues to address. He expressed a desire to include measurable goals, and expressed support for the Public Works Capital Improvement Program in order to address deferred maintenance.

Councilmember Wozniak expressed a desire for better communications with the public and to achieve economies of scale in order to free up monies for other projects.

Councilmember Lieberman expressed the need to address the aging infrastructure. He noted that the sustainability of the fire department will need to be determined.

Mayor Warden noted that he did not vote for the budget last year as he wanted to cut the City Clerk's budget. He stated that two full-time employees are not needed and suggested sharing services with the City Manager's office and using the savings to improve public information and technology. He noted that the City Manager and the City Attorney need support.

Discussion ensued regarding communication, public outreach and public relations.

Councilmember Lieberman pointed out that the City Council has had no discussion regarding administrative services. He expressed concern for the need to adopt a budget, and expressed a desire to look at the organization and staffing.

Councilmember Wozniak suggested defunding the Deputy City Clerk position and moving the monies to the City Manager's office.

City Manager Scoles suggested leaving the FTE's (full-time equivalents) in place and allowing staff to return to the City Council with a proposal for reorganizing support staff.

Councilmember Braunstein expressed a desire to delineate between policy and implementation. He expressed support for adopting the budget at this time and addressing this situation at mid-year after directing the City Manager to look into this matter.

Mayor Warden pointed out that the City Council has authority over the budget and concurred that the City Manager has authority over administrative services. He suggested consolidating services. He expressed a desire to save money.

City Manager Scoles stated that monies have been budgeted for technology improvements and an analysis of the organization. He stated this could be looked into quickly, and duties can be split in a small organization.

Councilmember Lieberman expressed concerns regarding the implications if the budget is cut at this time. He stated that the City Manager should manage the organization and the City Council's responsibility is policy.

Councilmember Wozniak stated that the Deputy City Clerk should be managed by the City Manager, and that elected officials should not have staff.

Councilmember Braunstein expressed support for having an Economic Development Manager.

In response to Mayor Warden, Finance Director Fil clarified that the proposed staffing plan reflects a cap of total FTE (full-time equivalent), but there is some flexibility regarding the allocation of FTE's.

**ACTION:** Councilmember Lieberman made a motion, seconded by Councilmember Braunstein, to approve a Resolution of the City of Belmont Establishing the Base Revenue, Appropriations (expenditure), Capital Improvement Program Budget, and Permanent Staffing Plan for the Year.

**ACTION:** Mayor Warden offered a friendly amendment to include directing staff to bring back a staffing plan prior to the mid-year budget review. Councilmembers Lieberman and Braunstein accepted the amendment.

**ACTION:** On the previous motion, amended by Mayor Warden, Resolution 2012-061 of the City of Belmont Establishing the Base Revenue, Appropriations (expenditure), Capital Improvement Program Budget, and Permanent Staffing Plan for the Year, said motion to include the development of a revised staff plan prior to the mid-year budget review, said motion unanimously approved by a show of hands (4-0, Feierbach absent).

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, Resolution 2012-062 of the City of Belmont Approving the 2013 Appropriations Limit was unanimously approved by a show of hands (4-0, Feierbach absent).

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Lieberman, Resolution 2012-063 of the City of Belmont Approving the 2013 Master Revenue Schedule was unanimously approved by a show of hands (4-0, Feierbach absent).

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, Resolution 2012-064 of the City of Belmont Establishing the Special Tax for Community Facilities District No. 2000-1 (Library Project) was unanimously approved by a show of hands (4-0, Feierbach absent).

**Public Hearing to Consider a Resolution Adopting the FY 12/13 Annual Report of Storm Drainage Charges for City's National Pollutant Discharge Elimination System (NPDES) Program AND Public Hearing to Consider a Resolution Approving Continued Imposition and Collection of Basic and Additional Charges on the Tax Roll to Fund the FY 12/13 Countywide National Pollutant Discharge Elimination System (NPDES) General Program**

Public Works Director Oskoui stated that these two resolutions approved the ongoing fees for the City of Belmont and the Countywide National Pollutant Discharge Elimination System (NPDES) Programs. He explained that these fees have been unchanged for 15 years, and are used to fund various State and federally mandated programs.

In response to Council questions, Public Works Director Oskoui clarified that the fees do not cover the actual cost of providing the services required in the mandates, and he explained that a Proposition 218 hearing process would be required to increase the fees. He further explained that a cost of service study would be required in advance of pursuing an increase in the fees. He noted that if the NPDES fees were increased, it would free up monies in the sewer fund, since that fund supplements the costs of the programs.

Mayor Warden opened the Public Hearing for the City's National Pollutant Discharge Elimination System (NPDES) Program. No one requested to speak.

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, the Public Hearing was unanimously closed by a show of hands (4-0, Feierbach absent).

**ACTION:** On a motion by Councilmember Wozinak, seconded by Councilmember Braunstein, Resolution 2012-065 Adopting the FY 12/13 Annual Report of Storm Drainage Charges for City's National Pollutant Discharge Elimination System (NPDES) Program was unanimously approved by a show of hands (4-0, Feierbach absent).

In response to Councilmember Braunstein's inquiry regarding a cost of service study as previously discussed, Mayor Warden suggested using the Item 13 (Matters of Council Interest) process.

Mayor Warden opened the Public Hearing for the Countywide National Pollutant Discharge Elimination System (NPDES) General Program. No one requested to speak.

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, the Public Hearing was unanimously closed by a show of hands (4-0, Feierbach absent).

**ACTION:** On a motion by Councilmember Wozinak, seconded by Councilmember Braunstein, Resolution 2012-066 Approving a Resolution Approving Continued Imposition and Collection of Basic and Additional Charges on the Tax Roll to Fund the FY 12/13 Countywide National Pollutant Discharge Elimination System (NPDES) General Program was unanimously approved by a show of hands (4-0, Feierbach absent).

## **OTHER BUSINESS**

### **Consideration of an Ordinance Amending the Belmont Municipal Code by Adding Chapter 31 "Waste Reduction" and Adopting by Reference San Mateo County Ordinance Code Chapter 4.107 "Prohibition on the Use of Polystyrene Based Disposable Food Service Ware by Food Vendors"**

Community Development Director de Melo stated that this ordinance would add a chapter to the Municipal Code, and explained that the process differs from other ordinances in that the City Council would be adopting another jurisdiction's ordinance by reference. He outlined other cities in San Mateo County that have adopted this ordinance that prohibits the use of polystyrene-based disposable food ware. He explained that the County Health Department would manage enforcement and will provide outreach, and he clarified that enforcement would take place during regular health inspections. He noted that this ban does not apply to non-food items or pre-packaged foods such as meat and eggs. He outlined the outreach already performed by City staff and explained that most businesses are already in compliance.

In response to Council questions, Community Development Director de Melo stated that most food service providers are aware that this ordinance is forthcoming, and no feedback has been received. He explained that any vendor is subject to the regulation.

Discussion ensued regarding outreach and compliance.

Councilmember Braunstein suggested that the Belmont-Redwood Shores School District be contacted regarding this matter.

**Dean Peterson**, Director of San Mateo County Environmental Health, clarified that no fines have been issued and that the County is in the educational outreach component of this ordinance. He noted that one complaint was received, and he explained that that vendor was in the process of using up their existing supply.

**Mike Swire**, Hillsborough resident, outlined other cities that have adopted this ordinance, and noted that there is no cost to the cities. He stated that polystyrene is a carcinogen, and cost-effective alternatives are available.

Councilmember Lieberman noted that most restaurants are already in compliance, and he noted that some hotels that serve breakfast are using polystyrene and should be contacted. He expressed support for the ordinance.

Councilmember Wozniak expressed support for following the County's ordinance and having the County provide enforcement.

City Attorney Rennie clarified that the implementation date outlined in the ordinance is October 1, 2012.

**MEETING EXTENSION**: At this time, being 10:30 p.m., on a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, the meeting was unanimously extended for 30 minutes (4-0, Feierbach absent).

**ACTION**: On a motion by Councilmember Lieberman, seconded by Councilmember Wozniak, and unanimously approved by a show of hands (4-0, Feierbach absent) to set a Public Hearing on Tuesday, July 10, 2012 for the second reading and adoption of an Ordinance Amending the Belmont Municipal Code by Adding Chapter 31 "Waste Reduction" and Adopting by Reference San Mateo County Ordinance Code Chapter 4.107 "Prohibition on the Use of Polystyrene Based Disposable Food Service Ware by Food Vendors".

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

No report.

### **Verbal Report from City Manager**

City Manager Scoles announced that the new staff report form will be initiated with the July 10<sup>th</sup> meeting. He stated that staff recently participated in a County-wide Emergency Operations Center exercise. He noted that some staff members would be participating in the Law Enforcement Special Olympics Torch run. He announced an upcoming sewer rate informational community meeting. He described the Belmont-Redwood Shores School District project update and explained that some issues were still being addressed including sewer hookup fees.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**George Burgess**, Belmont Chamber of Commerce, noted that the Economic Development Director position was not discussed during the Budget hearing earlier in the evening. He suggested that the increased transit occupancy tax (TOT) revenues be utilized to fund this position.

**ADJOURNMENT** at this time, being 10:35 p.m.

**Terri Cook  
City Clerk**

Meeting Tape Recorded and Videotaped